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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/509,387

09/27/2004

Pasqualino Franco

2521-1018

5048

466 7590 03/29/2007
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 745 SOUTH 23RD STREET
 2ND FLOOR
 ARLINGTON, VA 22202

EXAMINER

WILKENS, JANET MARIE

ART UNIT

PAPER NUMBER

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/509,387

Applicant(s)

FRANCO, PASQUALINO

Examiner

Janet M. Wilkens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 15, 17-19 and 24-26 is/are rejected.
- 7) ☒ Claim(s) 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date: 2/26/2007.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Attachments A-C.

Because of newly found prior art/after further review of the cited art, the finality of the last Office action has been withdrawn. Delay in the finding of these references is regretted. The new art rejections are as follows:

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the fixed element with both the extensions and the projection (which is not shown with any embodiment of fixed element; see page 5 starting line 20) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Cramer (5,906,078). Cramer teaches a table cloth attachment system (Fig. 1; "cloth (20)") comprising: a fixed element (22) having a rectangular hollow space, projections (a; see Attachment B) and extensions (40) extending from the shaped back portion of the element and a mobile flat rectangular element (30) with notches (b; Attachment B) insertable into the inner space of the fixed element. Note: the table, screw and cloth are not positively being claimed, the system having only to be capable of receiving a cloth (it is as shown by flexible sheet 20) and capable of being placed on a table edge (it is because of its flat rear surface). Finally, the elements would inherently have proportional sizes relative to the window, a table inside the house, etc.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lucous (4,410,027) in view of Weiss (3,229,029). Lucous teaches a flexible member attachment system (Fig. 2) comprising: a fixed element (15) having a rectangular shape (see Attachment A) with a hollow space, a "screw" hole (17) and projections (when viewing the top of the frame: the upper 25 and lower 32; the upper projection being longer than the lower one) and a mobile flat rectangular element (40; the inside end portion having a rectangular shape; see Attachment A) insertable into the inner space of the fixed element and being held in place by the projections extending into rounded notches on the mobile flat element. Note: the table, screw and cloth are not positively being claimed, the system having only to be capable of receiving a cloth (it is as shown by flexible sheet 12), having an opening capable of receiving a screw (opening receiving fastener capable of doing this) and capable of being placed on a table edge (it is because of its flat rear surface). Also, the feature description for the mobile element is open ended ("comprising"); therefore, additional members (outer members 41,43, etc. of 40) can also be part of the structure. Finally, the elements would inherently have proportional sizes relative to the window, a table inside the house, etc. For claim 15, Lucous fails to teach inner bulges on opposing sides of the hole of the fixed element. Weiss teaches the use of inner bulges (42) on the sides of a hole to help shield the fastener from other members. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Lucous by

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adding bulges around the hole of the fixed element, for the advantage stated above and for the additional advantage of protecting the flexible member inserted between the fixed and mobile elements.

For claim 18, Lucous in view of Weiss fails to teach that the attachment means is an adhesive or biadhesive. The examiner takes Official notice that adhesives and bi-adhesives are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fixed element/another element attachment by adding this type of adhesive connection there between, to provide additional attachment and better securement between the elements.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Lucous in view of Weiss and further in view of Bozzo (5,205,337). As stated above, Lucous in view of Weiss teaches the limitations of claim 15, including a system with a fixed and mobile element. For claim 25, Lucous in view of Weiss fails to teach fixing elements on the mobile element. Bozzo teaches applying hooks and loops on a strip (20) to a structure so as to be able to attach a decorative cover (24) with mating hooks and loops (22) over the structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Lucous in view of Weiss by adding hooks and loops onto the outside of the mobile element, such as the strip taught by Bozzo, so that a decorative cover could be applied over the system for aesthetic reasons.

Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Lucous in view of Bozzo. Lucous teaches a flexible member attachment system

(Fig. 2) comprising: a fixed element (15) having a rectangular shape (see Attachment A) with a hollow space, a "screw" hole (17) and projections (when viewing the top of the frame: the upper 25 and lower 32; the upper projection being longer than the lower one) and a mobile flat rectangular element (40; the inside end portion having a rectangular shape; see Attachment A) insertable into the inner space of the fixed element and being held in place by the projections extending into rounded notches on the mobile flat element. For claim 24, Lucous fails to teach fixing elements on the mobile element. Bozzo teaches applying hooks and loops on a strip (20) to a structure so as to be able to attach a decorative cover (24) with mating hooks and loops (22) over the structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Lucous by adding hooks and loops onto the outside of the mobile element, such as the strip taught by Bozzo, so that a decorative cover could be applied over the system for aesthetic reasons.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Cramer in view of Bozzo. Cramer teaches a table cloth attachment system (Fig. 1; "cloth (20)") comprising: a fixed element (22) having a rectangular hollow space, projections (a; see Attachment B) and extensions (40) extending from the shaped back portion of the element and a mobile flat rectangular element (30) with notches (b; attachment B) insertable into the inner space of the fixed element. Note: limitations found in intended use/"for" statements have been given no weight in the claims. For claim 24, Cramer fails to teach fixing elements on the mobile element. Bozzo teaches applying hooks and loops on a strip (20) to a structure so as to be able to attach a decorative cover (24) with

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mating hooks and loops (22) over the structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Cramer by adding hooks and loops onto the outside of the mobile element, such as the strip taught by Bozzo, so that a decorative cover could be applied over the system for aesthetic reasons.

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Cramer in view of Weiss. Cramer teaches a table cloth attachment system (Fig. 4; "cloth (20)") comprising: a fixed element (222) having a rectangular hollow space, projections (a; see Attachment C) and a screw hole (with screw 240) extending from the shaped back portion of the element and a mobile flat rectangular element (230) with notches (b; Attachment C) insertable into the inner space of the fixed element. For claim 15, Cramer fails to teach inner bulges on opposing sides of the hole of the fixed element. Weiss teaches the use of inner bulges (42) on the sides of a hole to help shield the fastener from other members. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Cramer by adding bulges around the hole of the fixed element, for the advantage stated above and for the additional advantage of protecting the flexible member inserted between the fixed and mobile elements.

For claim 18, Cramer in view of Weiss fails to teach that the attachment means is an adhesive or biadhesive. The examiner takes Official notice that adhesives and bi-adhesives are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the fixed element/another

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element attachment by adding this type of adhesive connection there between, to provide additional attachment and better securement between the elements.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Cramer in view of Weiss and further in view of Bozzo. As stated above, Cramer in view of Weiss teaches the limitations of claim 15, including a system with a fixed and mobile element. For claim 25, Cramer in view of Weiss fails to teach fixing elements on the mobile element. Bozzo teaches applying hooks and loops on a strip (20) to a structure so as to be able to attach a decorative cover (24) with mating hooks and loops (22) over the structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Cramer in view of Weiss by adding hooks and loops onto the outside of the mobile element, such as the strip taught by Bozzo, so that a decorative cover could be applied over the system for aesthetic reasons.

Claims 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Cramer in view of Bozzo. Cramer teaches a table cloth attachment system (Fig. 4; "cloth (20)") comprising: a fixed element (222) having a rectangular hollow space, projections (a; see Attachment C) and a screw hole (with screw 240) extending from the shaped back portion of the element and a mobile flat rectangular element (230) with notches (b; Attachment C) insertable into the inner space of the fixed element. For claim 24, Cramer fails to teach fixing elements on the mobile element. Bozzo teaches applying hooks and loops on a strip (20) to a structure so as to be able to attach a decorative cover (24) with mating hooks and loops (22) over the structure. It would have been obvious to one having ordinary skill in the art at the time of the invention to

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modify the system of Cramer by adding hooks and loops onto the outside of the mobile element, such as the strip taught by Bozzo, so that a decorative cover could be applied over the system for aesthetic reasons.

Allowable Subject Matter

Claim 16 is allowed.

Claims 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

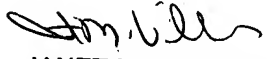
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet M. Wilkens whose telephone number is (571) 272-6869. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wilkins
March 26, 2007

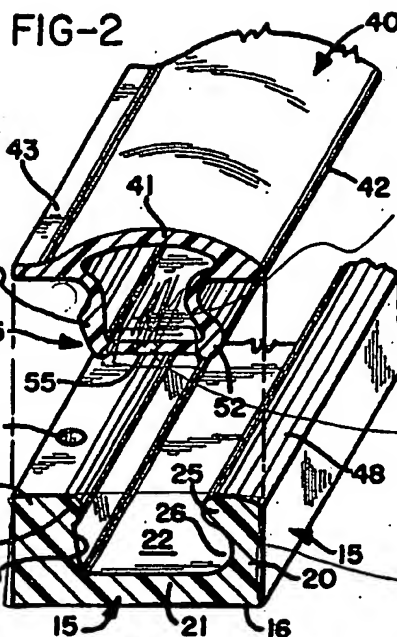
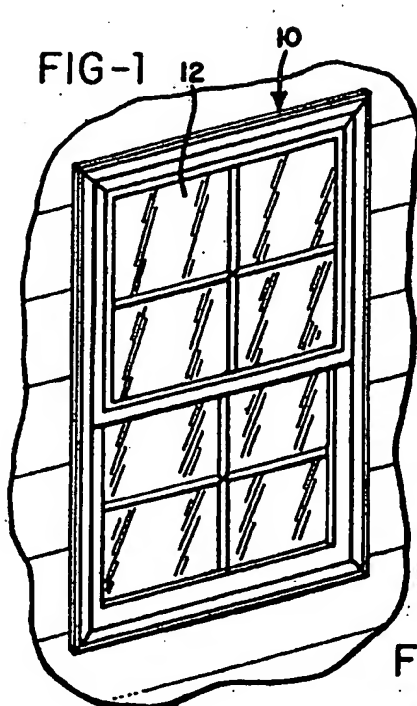

JANET M. WILKENS
PRIMARY EXAMINER
1710 3637

Attachment A

U.S. Patent Oct. 18, 1983

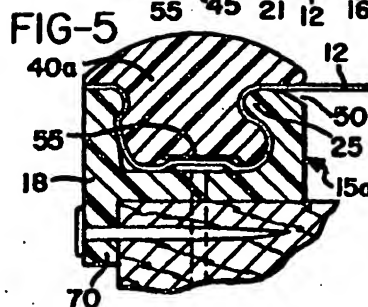
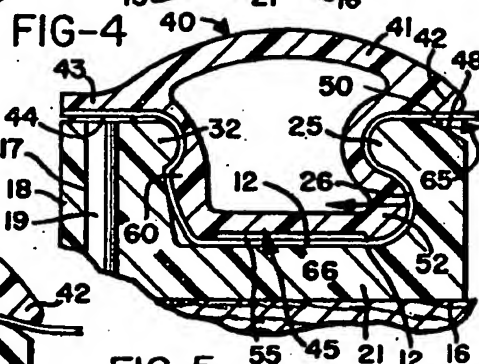
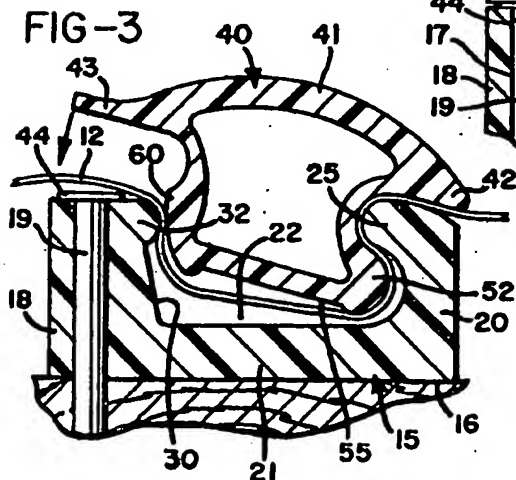
Sheet 1 of 2

4,410,027



rectangular
inside portion

rectangular
fixed element with
hollow space &
rectangular shape



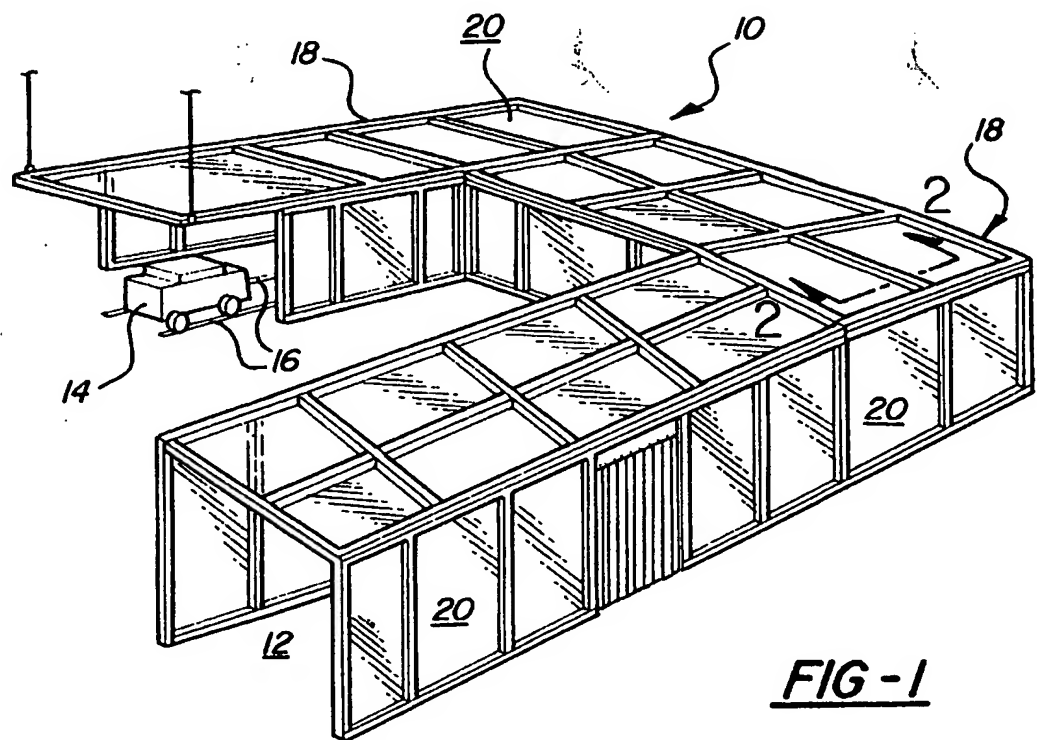
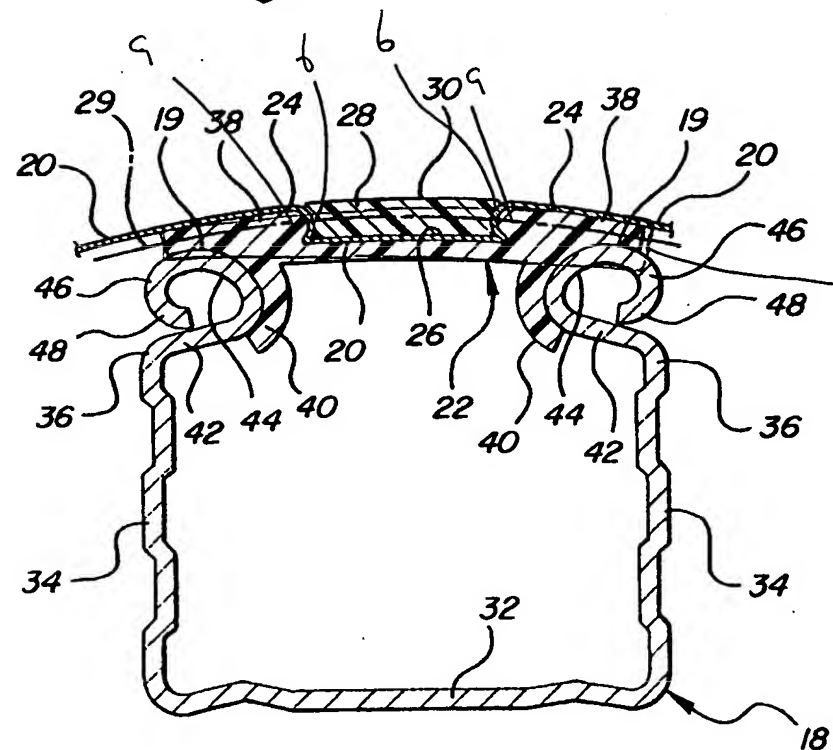


FIG-1



rectangular
fixed element
w/ hollow space
& rect. shape

FIG-2

